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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,201	10/16/2003	Shih-Lung Hsu	250210-1020	8222
24504	7590	06/29/2005	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			CRANSON JR, JAMES W	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/687,201	HSU, SHIH-LUNG	
	Examiner	Art Unit	
	James W. Cranson	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9 and 11 is/are rejected.
- 7) ☒ Claim(s) 7,8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see amendment, filed 6/6/05, with respect to Office Action mailed 3/08/05 have been fully considered and are persuasive. The rejections of claims 1-5,7-9, and 11 has been withdrawn. The indication of allowable subject matter in claims 6 and 10 is also withdrawn. New art is the basis of the following non-final rejection.

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The following claims have been rejected in light of the specification, but rendered the broadest interpretation [MPEP 2111]. Applicant should positively cite the structural limitations to be given full patentable weight within an apparatus claim.

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### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 2,520,028 to M. S. Biskind.

A lighting apparatus for an electronic device is disclosed by Biskind having a hollow module with reflective surface, lens, light source, and display surface.

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Regarding claim 1,

A lighting apparatus (figure 2) for an electronic device (1) comprising  
a hollow module (figure 2,unlabeled) having an inner reflective surface (figure 2, 15);  
a light source (figure 2, 12) disposed in the hollow module ;  
a lens (figure 2, 9) having an incident surface (figure 2,inside surface of 9)  
and a display ( outside surface of 9) surface, the incident surface faced  
inside (figure 2,) hollow module, the lens (9) located on the electronic device (1);  
wherein light rays emitted from light source (12) are reflected by the inner surface (15)  
and transmitted into the incident surface (figure 2)  
then exit lens(9) through display.

Regarding claim 3, according to claim 1:

Biskind discloses (column 2, lines 8-13) that the incident surface can be a colored  
transparent material.

Regarding claim 4, according to claim 1:

Biskind discloses two L – shaped areas, the periscope (14) and the shape in figure 2 that  
includes the light source bounded by 11, 10 and 20.

Regarding claim 6, according to claim 1:

Biskind discloses in figure 2 that the lens (9) is top of hollow knob (6) having bore (8).

Regarding claim 9, according to claim 1:

Biskind discloses that the lighting apparatus is a maximum indicating instrument.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Regarding claim 2, according to claim 1:

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 2,520,028 to Biskind in view of USPN 6,508,562 to Venkatram.

Biskind does not disclose that the light source is an LED.

Venkatram has an indicator in an electronic device with reflector that teaches the use of an LED. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Biskind with a LED as taught by Venkatram because "LEDs expend considerably less power than light bulbs"(column 1, lines 34-35) .

Regarding claim 5, according to claim 1:

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 2,520,028 to Biskind .

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Biskind discloses claimed invention except that his light source opening is not concave. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Biskind with a concave because it has been held that lacking any criticality, changing the form or shape of prior art does not make the claimed invention patentable over that prior art (*In re Dailey*, 149 USPQ 47 CCPA 1976).

Regarding claim 11, according to claim 1 :

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 2,520,028 to Biskind .

Biskind discloses the claimed invention except that his lens 9 is not rectangular.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Biskind with a rectangular lens because it has been held that lacking any criticality, changing the form or shape of prior art does not make the claimed invention patentable over that prior art (*In re Dailey*, 149 USPQ 47 CCPA 1976).

***Allowable Subject Matter***

Claims 7, 8, and 10, all according to claim 1 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 7, according to claim 1, has that the lens defines a screw hole so that the lens and hollow module are connected by screwing.

Claim 8, according to claim 1, has that the hollow module defines a screw hole so that the hollow module and the electronic device are joined by screwing.

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Claim 10, according to claim 1, has that electronic device is a LCD-TV.

The above limitations in combination with claim 1 are not found or taught in the art of record.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is USPN 2,831,453 to Hardesty.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368.

The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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**THOMAS M. SEMBER**  
**PRIMARY EXAMINER**